IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4315 of 2006

(CRIME NO.117/2006 OF MAVELIKKARA EXCISE RANGE)

PETITIONER

OMANAKKUTAN @ KUTTACHAN,
S/O BHASKARAN, AGED 39 ,KARUVELIL HOUSE,
ARUNOOTTIMANGALAM, MAVELIKKARA.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
MAVELIKKARA EXCISE RANGE,
MAVELIKKARA.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4315/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in C.R.No.117/2006 of Mavelikkara Excise Range. He was found in illegal possession of 2.5 liters of spirit, on 9.5.2006, by the Inspector of Excise Range, Mavelikkara. He apprehends arrest. Hence, he is before this court, under Section 438 Cr.P.C., for a pre-arrest order, in an allegation under Section 8(1) & 8(2) of the Abkari Act as well as Section 55(a) of the Act.

2. I heard both sides. The learned Public Prosecutor submits that the petitioner is actually violating the provisions of the Abkari Act and two other cases had been registered by the same Excise Range, against the petitioner, and this crime had been committed by him, while he was on bail. Therefore, I am not inclined to grant relief, under Section 438 Cr.P.C.

The application is dismissed as above.

J.M.JAMES
JUDGE

mrcs